

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 9TH OCTOBER 2006 / 17TH ASWINA 1928

WP(C).No. 27231 of 2005(P)

PETITIONER:

K. RAJAN, S/O. KUMARAPILLAI,
KUMARALAYAM VEEDU, KEEZHOOR, VELLAYANI,
THIRUVANANTHAPURAM.

BY ADV. SRI.V.S.BABU GIREESAN

RESPONDENTS:

1. THE REGISTRAR,
KERALA AGRICULTURE UNIVERSITY,
VELLANIKKARA, THRISSUR.
2. THE DEAN,
COLLEGE OF AGRICULTURE, VELLAYANI,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.D.PREMACHANDRAN, SC, AGRL.UNTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09/10/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

EXT.P1: TRUE COPY OF ORDER DT. 25/3/98.

EXT.P2: TRUE COPY OF JUDGMENT IN CC.958/98.

EXT.P3: TRUE COPY OF REPRESENTATION DT. 24/1/2005.

EXT.P4: TRUE COPY OF LETTER DT. 27/4/2005.

EXT.P5: TRUE COPY OF LETTER DT. 6/6/2005.

EXT.P6: TRUE COPY OF LRDER DT. 24/8/2005.

Dated this the 9th day of October, 2006

J U D G M E N T

Petitioner who had worked as a Mess Boy in the Ladies Hostel in the College of Agriculture at Vellayani for about 2 years from 1996 to 1998 has filed this writ petition praying for issuance of a writ of mandamus to respondent No.1, the Registrar of the Kerala Agriculture University, to appoint him as casual labourer. He also prays for a writ of certiorari to quash Ext.P5 order issued by the University informing him that his request cannot be entertained since the Mess Committee had refused to accept his application for appointment.

2. It is not in dispute that petitioner who was working as Mess Boy was removed from service with effect August 27, 1998, the date on which he was placed under suspension pending enquiry. The allegation against him was that he had trespassed into the Ladies Hostel around midnight on August 26, 1998. Though the petitioner was tried before the Judicial Magistrate of First Class, No.II, Neyyattinkara for offences punishable under Sections 454, 427 and 511 of 381 Indian Penal Code in connection with the above incident, he was acquitted by the court. Nevertheless, the Enquiry Officer in Domestic Enquiry found that petitioner was guilty of the charges levelled against him and the disciplinary authority had accepted the report and accordingly he was removed from service.

3. It appears that in the year 2005 petitioner had filed an application before the Mess Committee requesting to re-appoint him in the Hostel. By communication dated June 6, 2005 the University informed the petitioner that the Mess Committee had refused to accept

his request for re-appointment. Ext.P5 is the copy of the communication sent by the University.

4. It is now contended by the petitioner that he is entitled to be appointed as a casual labourer in the University. Ext.P6 is stated to be an order issued by the University appointing some eligible women mess workers as casual labourers at various centres under the University. According to the petitioner he is also entitled to be given a similar treatment.

5. In the counter affidavit the University has contended that the Mess Committee was not in favour of appointing the petitioner again even as casual labourer. The Mess Committee is to appoint the staff in the Hostel Mess, subject to the approval of the Warden, on the recommendation of the Assistant Warden. The Mess Committee had considered the antecedents of the petitioner and decided against his re-appointment. It is also pointed out that the University had decided to induct mess workers as casual labourers on certain conditions, one of which was that the mess workers who were on the rolls of the Hostels in the University as on January 13, 2005 would alone be considered for appointment. Since the petitioner was not on the rolls of the hostel as on the cut off date and also since he had been removed from service for misconduct, the Mess Committee had decided not to appoint him even as casual labourer.

I do not find any merit in any of the contentions raised by the petitioner. Writ Petition fails. It is accordingly dismissed.

A.K. Basheer
Judge.

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